

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

IN THE MATTER OF:

4TH STREET & RHODE ISLAND
AVENUE, N.E.

H STREET COMMUNITY DEVELOPMENT
CORPORATION

Case No. 04-25

Monday,
March 6, 2006

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Meeting of Case No. 04-25 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice-Chairperson
JOHN PARSONS	Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN	Acting Secretary
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OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
KAREN THOMAS

This transcript constitutes the minutes

from the Public Meeting held on March 6, 2006.

AGENDA

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P-R-O-C-E-E-D-I-N-G-S

6:40 p.m.

CHAIRPERSON MITTEN: Good evening, ladies
and gentlemen.

This is a Public Hearing of the Zoning
Commission of the District of Columbia for Monday,
March 6th, 2006.

My name is Carol Mitten and joining me
this evening are Commissioner John Parsons and Vice
Chairman Anthony Hood.

And just so that we have the cast of
characters right. Mr. Hood, if you remember from
set down had recused himself from this case. Mr.
Turnbull who is sitting on this case is unable to
join us this evening, but so we could proceed, Mr.
Hood is providing our quorum, but he will not be
hearing the case or voting on the case. So, we're
just using him this evening.

So, the subject of this evening's hearing
is Zoning Commission Case No. 05-25, and this is a
request by H Street Community Development
Corporation for approval of a consolidated Planned
Unit Development for property located on the

1 eastside of 4th Street between Rhode Island Avenue
2 and Edgewood Street, Northeast, which is known as
3 Lot 808 in Square 3629.

4 Notice of today's hearing was published in
5 the D.C. Register on December 30th, 2005, and copies
6 of the hearing announcement are available to you and
7 they are on the table by the door.

8 This hearing will be conducted in
9 accordance with the provision of 11 DCMR Section
10 3022, which are the Rules of Procedure for contested
11 cases. And the order of procedure will be as
12 follows.

13 We'll take up any preliminary matters and
14 then we'll have the presentation of the Applicant's
15 case, report by the Office of Planning, report by
16 any other Government agencies, report by the
17 affected advisory neighborhood commission. In this
18 case it's ANC 5C, organizations and persons in
19 support and organizations and persons in opposition.
20

21 And we'll have the following time
22 constraints. The Applicant will have as much as 60
23 minutes, but I understand you're willing to stand on
24 the record and we may take you up on that.
25 Organizations will have five minutes and individuals

1 will have three minutes.

2 The Commission intends to adhere to the
3 time limits as strictly as possible in order to hear
4 the case in a reasonable period of time. And we
5 reserve the right to change the time limits for
6 presentations, if necessary, and note that no time
7 shall be exceeded.

8 All persons appearing before the
9 Commission are to fill out two witness cards and
10 those cards are also on the table near the door.
11 Upon coming forward to speak to the Commission,
12 please give both cards to the reporter who is
13 sitting to our right.

14 Please be advised that this proceeding is
15 being recorded by the court reporter and it's also
16 being web cast live. Therefore, we ask you to
17 refrain from making any disruptive noises in the
18 hearing room.

19 When presenting information to the
20 Commission, please turn on and speak into the
21 microphone, first stating your name.

22 When you're finished speaking, turn the
23 microphone off so that it doesn't pick up any
24 background noise.

25 The decision of the Commission in this

1 case must be based exclusively on the public record.
2 To avoid any appearance to the contrary, the
3 Commission request that persons present not engage
4 the members of the Commission in conversation during
5 a recess or at any other time. Mrs. Schellin will
6 be available throughout the hearing to answer any
7 procedural questions.

8 Please turn off all beepers and cell
9 phones at this time so as not to disrupt the
10 hearing.

11 And now we'll take up any preliminary
12 matters.

13 Mrs. Schellin, anything?

14 ACTING SECRETARY SCHELLIN: Just to
15 announce that we have received ANC 5C's resolution
16 in support of the project, along with the signed
17 LSDBE Agreement.

18 CHAIRPERSON MITTEN: Thank you.

19 Do we have the ANC report?

20 ACTING SECRETARY SCHELLIN: Yes. It's
21 right behind that memo.

22 CHAIRPERSON MITTEN: Oh, it is. Okay.
23 Thank you.

24 ACTING SECRETARY SCHELLIN: And then the
25 LSDBE is behind it.

1 CHAIRPERSON MITTEN: I see it. I have it.
2 Mr. Glasgow, any preliminary matters?

3 MR. GLASGOW: We have no preliminary
4 matters, Madam Chair.

5 CHAIRPERSON MITTEN: Okay. Mr. Parsons,
6 are you interested in having them stand on the
7 record. COMMISSIONER PARSONS: Yes. I am.

8 CHAIRPERSON MITTEN: Okay. Very good.

9 I believe we're going to address one of
10 the issues that was raised in the Office of Planning
11 report, however.

12 MR. GLASGOW: Yes. I am. We appreciate
13 that--

14 CHAIRPERSON MITTEN: I'm sorry. Can I just
15 interrupt you for one second because I'm moving so
16 quickly that I forgot to ask the folks who are going
17 to testify this evening to stand and take the oath.

18 So, anyone who is planning on testifying
19 if you would raise your right hand and turn your
20 attention to Mrs. Schellin.

21 ACTING SECRETARY SCHELLIN: Do you solemnly
22 swear or affirm that the testimony you will give in
23 this evening's proceeding will be the truth, the
24 whole truth and noting but the truth?

25 Thank you.

1 CHAIRPERSON MITTEN: Thank you. Sorry
2 about that.

3 MR. GLASGOW: Seated here with me is Mr.
4 Bill Barrow. I'm Norman M. Glasgow, Jr., of the law
5 firm of Holland and Knight, for the record.

6 And with respect to just jumping then
7 right to the issue to be discussed, there was a
8 Planned Unit Development inclusionary housing
9 commitment standards that were submitted under
10 letterhead of the Office of Planning as part of the
11 OP Report. And we just had a couple of comment with
12 respect to that, which I have discussed with the
13 Office of Planning and we understand that they are
14 in agreement with the changes that we would like to
15 have to that document.

16 And what I'd like to do is approach the
17 Chair and give copies that I have highlighted. And
18 I think the Office of Planning has it much more
19 neatly done, because I gave them a copy of this
20 earlier today.

21 But what it does it has just a couple of
22 words that were left out. But what I want to
23 discuss is unit distribution. We have inserted a
24 clause there. I think you all can read that except
25 for the 8th floor and the 9th floor which has been

1 architecturally designed to distinguish it from the
2 other floors and includes higher ceiling heights.
3 So, the 35 units, 34, 35 units would be through
4 floors 1 through 7 within the building. And we
5 would equally distribute them through 7 out of the 9
6 floors.

7 CHAIRPERSON MITTEN: Okay.

8 MR. GLASGOW: And then we have our target
9 income range in the first bullet point, not less
10 than 60 percent, not exceeding 80 percent.

11 Then our affordability control period we
12 have this 10 years which is consistent with a 10-
13 year notation on page 3. So, the affordability
14 period would be --control period would be for a
15 period of 10 years from the issuance of the first
16 certificate of occupancy for the residential units.

17 And then we have some on page 3. We have
18 provisions because H Street very well may not be
19 using District Government funds in this, but may be
20 using its own funds with respect to the project.
21 And, if so, we have two changes that go with that.

22 If District funds are used to underwrite
23 the affordability of the units, that's just talking
24 about what happens if there's a sale in the last
25 paragraph under the resale restrictions. We don't

1 have a problem if the District funds are used to
2 underwrite the affordability of the units.

3 But then we have, if District funds are
4 not used and I've been discussing with Office of
5 Planning one additional clause there, and H Street
6 funds are used, that's not in your copy. And H
7 Street funds are used, then to H Street Community
8 Development Corporation or it's affiliate entity
9 developing the project.

10 Then we have taken out the restrictive
11 covenants dealing with the Housing Production Trust
12 Fund because we don't know whether the trust fund is
13 going to have any funds in here. And what we wanted
14 to make sure is that we only have one set of
15 restrictive covenants on the property. So, that if
16 District funds are used to underwrite, that's the
17 second insert.

18 If District funds are used to underwrite
19 the affordable units, the restrictive covenants
20 applicable to the contributing funding source used
21 will apply. So, that if it's a DHCD or whatever, or
22 HUD, they will have their own series of restrictive
23 covenants. We don't want to have a situation where
24 there are two sets of restrictive covenants with
25 respect to the units, that there would just be one.

1 And that would be the restrict covenants that
2 emanate from the funding source.

3 CHAIRPERSON MITTEN: Okay.

4 MR. GLASGOW: And those are the only
5 comments that we had. Otherwise, we've reviewed the
6 Office of Planning report and the recommendations
7 and the conditions that it recommended approval on
8 page 1 and that are also reiterated at the back of
9 the report. Those conditions are acceptable to the
10 Applicant.

11 CHAIRPERSON MITTEN: Okay. Mr. Parsons,
12 did you have questions?

13 COMMISSIONER PARSONS: I'm having trouble
14 understanding the drawings to show where these 8th
15 and 9th floor are increased ceiling heights.

16 MR. GLASGOW: The 9th floor has an increased
17 ceiling height. The 8th floor, we have asked--the
18 8th floor, we're asking that the top two floors which
19 we have done in other cases, that the top two floors
20 not have affordable units in them.

21 COMMISSIONER PARSONS: Understand.

22 MR. GLASGOW: And that the 9th floor has the
23 increased ceiling heights. The 8th floor is a more
24 standard floor.

25 COMMISSIONER PARSONS: Oh, okay.

1 MR. GLASGOW: Okay. Because it says except
2 for the 8th floor and then--and the 9th floor which
3 has been architecturally designed to distinguish--

4 COMMISSIONER PARSONS: Oh, I read it too
5 quickly.

6 MR. GLASGOW: -- it from the other. Okay.

7 COMMISSIONER PARSONS: Okay. Thanks.

8 CHAIRPERSON MITTEN: Okay. I just want to
9 clarify a couple of things.

10 MR. GLASGOW: Sure.

11 CHAIRPERSON MITTEN: On the issue of the
12 neighborhood serving retail space--

13 MR. GLASGOW: Yes.

14 CHAIRPERSON MITTEN: -- are you proposing
15 to limit the use of the retail space to those--to
16 actual neighborhoods serving uses or is this a
17 proffer or is this just an aspiration?

18 MR. GLASGOW: I would say that we have
19 determined that that's an aspiration, because with
20 3,000 square feet we think that that's what's going
21 to end up happening.

22 CHAIRPERSON MITTEN: Okay. So, it's not
23 one of the amenities that's being proffered?

24 MR. GLASGOW: That's correct.

25 CHAIRPERSON MITTEN: And then among--

1 MR. GLASGOW: We think it's a community
2 benefit but we're not offering it as an amenity.

3 CHAIRPERSON MITTEN: Okay. Among the items
4 that are offered as green design features, those are
5 being proffered. Is that correct?

6 MR. GLASGOW: Yes.

7 CHAIRPERSON MITTEN: Okay. So, I just
8 wanted to clarify a couple of things so that we can
9 determine, you know, when they've been delivered.

10 It says -- I'm on page 4 of your pre-
11 hearing submission. And it's the second green
12 design feature provisions for bicycle storage within
13 the garage. How many spaces?

14 MR. GLASGOW: Let me get the architect.
15 Come on up, Dave.

16 The architect, David Draper, will address
17 that question.

18 CHAIRPERSON MITTEN: Thank you.

19 MR. DRAPER: Well, the truth of the matter
20 is--

21 CHAIRPERSON MITTEN: I need you on the
22 mike, I'm sorry. And if you'd introduce yourself.

23 MR. DRAPER: For the record, my name is
24 David Draper with Collins and Cromset Architects,
25 Silver Spring, Maryland.

1 I produced the drawing in front of you,
2 which is a parking level drawing showing bike
3 storage at the P2 level, which is the lower level of
4 the building. And I don't believe that I've made
5 any judgment about how many bicycles would go into
6 such a space, but I would say probably at least 15.

7 CHAIRPERSON MITTEN: At least 50?

8 MR. DRAPER: Yes.

9 CHAIRPERSON MITTEN: Okay. I'm just trying
10 to quantify it so that we can --it helps if it can
11 be quantified. Okay. At least 15 spaces.

12 Number 4, use of Energy Star appliances.
13 Is that exclusively Energy Star appliances? It's
14 not that there will be some and others will--it's
15 exclusively?

16 MR. DRAPER: I think the intent is to use
17 Energy Star throughout for all the units types and
18 for all the appliances in the kitchen.

19 CHAIRPERSON MITTEN: Okay. Under number 5,
20 use of organic locally produced and post-consumer
21 recycles. And then it goes on to give examples. In
22 terms of enforceability, is that also exclusively or
23 in certain quantities or in certain locations or how
24 can you better define that?

25 MR. DRAPER: Well, it's a little hard to

1 get a quantification of those recyclables. But we
2 know that there are wood products and sheathing
3 products that are made from recyclables to the
4 degree that we can achieve that, the intent was to
5 try.

6 I know that's probably a vague answer but
7 I don't have too many specifics about the whole
8 program of trying to be as green as we can be.

9 I think that, you know, there are a whole
10 lot of different areas like energy efficient windows
11 and lots of glass and natural light and things that
12 are a part of a normal LEEDS certifications process
13 that are pretty easy to achieve.

14 The recyclables on building materials have
15 not been quantified by us as to how often and how
16 many and what they are. But the intent is to direct
17 ourselves back to that.

18 CHAIRPERSON MITTEN: All I'm trying to do
19 is make something that's enforceable. So, anything
20 you can do to add language that would clarify that,
21 I think would be helpful.

22 Just bear with me. I might one or two
23 other questions.

24 I did wonder. I saw that you convinced
25 DDOT to change their view on the subject of the

1 delivery space for the retail. But I didn't really
2 understand, given it a relatively small amount of
3 retail space and there seem to be some distinction
4 being made between the use of delivery area by
5 people moving in how they need to occupy the loading
6 area for a longer period of time and then the more
7 short-term. And I guess I got some sense that there
8 would be a higher volume of deliveries for the
9 retail space. I just thought that it was an awful
10 lot of delivery space for a building that has very
11 little retail.

12 So, I know DDOT backed off of it, but I
13 still --I don't fully understand the necessity for
14 the second delivery area.

15 MR. DRAPER: For the second delivery area
16 serving the retail?

17 CHAIRPERSON MITTEN: Yes.

18 MR. DRAPER: It's largely a matter of where
19 they're positioned in the building and trying not to
20 compromise the security of the building by traipsing
21 through our lobby and across corridors with
22 deliveries for retail when the load dock is really
23 designed to function primarily to serve the
24 residents of the apartment building.

25 This gives the retail people an

1 opportunity to set their trash out, not on the
2 street, but off street. And to have a normal
3 delivery truck either delivering or taking away
4 items from the retail to have a dedicated place to
5 do it where they don't interfere with the
6 circulation of the apartment building itself.

7 CHAIRPERSON MITTEN: I understand it. It
8 just seemed like--it just seemed too bad to have to
9 have three different places where people might--
10 where a pedestrian on 4th Street might encounter a
11 truck or a car as opposed to two, since there
12 doesn't seem to be any way to get it off of 4th
13 Street.

14 Okay. Did you have anything else, Mr.
15 Parsons?

16 COMMISSIONER PARSONS: I just wanted to ask
17 Mr. Draper about--let's see it's sheet number 9 and
18 it's a cross section BB. And I'm comparing it with
19 this colored plan that you sent in. Are you with me
20 there?

21 MR. DRAPER: Yes. I'm on sheet 9.

22 COMMISSIONER PARSONS: So, there's a lower
23 garden.

24 MR. DRAPER: Right.

25 COMMISSIONER PARSONS: Which implies

1 there's an upper garden, but I don't think so.

2 So, is the upper garden, I'll call it, in
3 that section, those are terraces for individual
4 apartments. Correct?

5 MR. DRAPER: That's right. That's right.
6 There are--

7 COMMISSIONER PARSONS: So, this lower
8 garden which is, I guess, shown on this sheet here.
9 I don't know the--

10 MR. DRAPER: It is.

11 COMMISSIONER PARSONS: -- number. Is kind
12 of sandwiched between an air ventilation shaft from
13 the garage and the apartment above or the parapet
14 wall of that balcony. Is that right?

15 MR. DRAPER: Right. Well--

16 COMMISSIONER PARSONS: So, this is really a
17 passageway. Right? I mean it's not contemplated
18 that people will sit here and it would be a place of
19 relaxation or open space as it were but more of a
20 passageway. Is that right?

21 MR. DRAPER: Well, it serves as an egress
22 way from one of the stairs of the building. So, to
23 that extent it's a passageway. And there's also an
24 exit off of the core of the building that would use
25 that as a way out to the street.

1 COMMISSIONER PARSONS: Right.

2 MR. DRAPER: But I think there's enough
3 green opportunity there, enough passive opportunity
4 there to have some benches and to be able to relax
5 in that space.

6 The reason for the raised terraces is that
7 when you come in off of 4th Street, the grade rises
8 about 11 feet from 4th up to the apex of the triangle
9 of the site. And when you come into that building,
10 you come into a story and a half space which is good
11 because it gives you the extra height for your lobby
12 and for your retail and for your loading.

13 And then you go up a half a level from
14 there to the residential part of that floor. And
15 all of those units have a garden opportunity off to
16 the side. But they are at a slightly higher
17 elevation. And that's why you get this raised zone
18 which is the private terrace.

19 COMMISSIONER PARSONS: I see.

20 MR. DRAPER: And the value of that also, I
21 think, is one of security by having a rail level
22 wall at that garden plus the elevation in height.
23 You have some security for the people who use those
24 private terraces from anybody who may be in the
25 garden below.

1 COMMISSIONER PARSONS: So, do you expect
2 much noise out of this air shaft? It's an intake.

3 MR. DRAPER: Well, actually it's an intake
4 so there's unlikely to be the kind of air noise that
5 you get from an exhaust.

6 COMMISSIONER PARSONS: There's still a fan
7 down at the bottom of that though.

8 MR. DRAPER: There will be fans that will
9 draw in the garage itself from these various--I
10 think there are three different opportunities for
11 the air intake. One is a ventilating garage door.
12 One is right at the corner of our property at 4th.
13 And the other one is in this garden. And they all
14 just provide an opportunity to bring air in along
15 the front side in the edge of the building and then
16 exhaust it at the rear. It's good for the
17 circulation in the garage.

18 COMMISSIONER PARSONS: Right.

19 MR. DRAPER: I don't anticipate that will
20 be a noisy condition.

21 COMMISSIONER PARSONS: So, you contemplate
22 some benches here, but you haven't, at this point,
23 shown them on the drawings?

24 MR. DRAPER: Some vents?

25 COMMISSIONER PARSONS: Benches.

1 MR. DRAPER: Benches. Yes. I think that
2 opportunity exists.

3 COMMISSIONER PARSONS: All right. Thank
4 you.

5 CHAIRPERSON MITTEN: Okay. I think that's
6 all the questions that we have.

7 Is there anyone here representing the ANC
8 5C? Anyone here from 5C? Okay. Then I guess they
9 won't be asking you any questions.

10 Okay. Thank you very much.

11 Ms. Thomas. We're ready for you.

12 MS. THOMAS: Good evening, Madam Chair,
13 members of the Commission.

14 At this time, we are willing to stand on
15 the record with respect to analysis and
16 recommendation of approval as stated in our report.
17 And we'd just like to add that with respect to
18 Exhibit Number 6, referred to by the Applicant, the
19 commitment stand. As well, we are in agreement with
20 the proposed changes.

21 We would be referring to the city office
22 of the attorney general for comments and legal
23 sufficiency.

24 Thank you.

25 CHAIRPERSON MITTEN: Thank you. Any

1 questions, Mr. Parsons?

2 COMMISSIONER PARSONS: I just wanted to
3 talk about the residential recreational space.

4 The requirement is 26,000 and they are
5 providing 8,000. And then you go on to say that
6 each unit including sunrooms. Does that mean each
7 unit would have a sunroom?

8 MS. THOMAS: Yes. As I understand it, each
9 unit is intended to have a sunroom.

10 COMMISSIONER PARSONS: And what is that, an
11 outdoor balcony that's enclosed? I mean, what is
12 this sunroom? That's a new term to me.

13 MS. THOMAS: Yes. The way it was
14 explained. It's a sort of enclosed balcony area.

15 COMMISSIONER PARSONS: All right.

16 MS. THOMAS: But we're not counting that
17 as--we didn't agree that that would be recreation
18 space or--

19 COMMISSIONER PARSONS: Yes.

20 MS. THOMAS: -- even non-qualifying space
21 because it's a part of the --it's an extension of
22 the interior living space. So, we didn't support
23 that.

24 COMMISSIONER PARSONS: Then, there's a
25 private garden space which is 5,500 square feet.

1 Private meaning private to all of the members of the
2 community or these are individual units?

3 MS. THOMAS: I'll refer that to the
4 Applicant at this time.

5 COMMISSIONER PARSONS: All right.

6 MR. DRAPER: Private gardens are not
7 included n the 8,250 square feet.

8 COMMISSIONER PARSONS: They're not included
9 in what?

10 MR. DRAPER: They are not included on the
11 cover page of the drawing set. They are not
12 included in the 8,250 square feet of recreation
13 space. They do exist for--

14 COMMISSIONER PARSONS: I think what the
15 Office of Planning was shoring is, yes. You're not
16 providing the recreational space, but you're
17 providing other amenities to the residents including
18 sunrooms and something they call private garden
19 space.

20 MR. GLASGOW: That's correct, Mr. Parsons.
21 Right.

22 He's probably referring to page 3 of the--
23 where it's residential recreation requirement of the
24 OP Report.

25 COMMISSIONER PARSONS: Page 4, but yes.

1 Well, anyway, it's got the same--we're off the same
2 page.

3 MR. GLASGOW: We're on the same--okay.
4 We're kind of on the same page.

5 COMMISSIONER PARSONS: Kind of.

6 MR. GLASGOW: All right. We've 8,250
7 square feet--

8 COMMISSIONER PARSONS: Right.

9 MR. GLASGOW: -- that complies with all
10 the requirements. We've got another 5,500 square
11 feet that are private garden and terraces for
12 individual units.

13 COMMISSIONER PARSONS: Yes.

14 MR. GLASGOW: And so we've got a total of
15 about 13,700 square feet that I think between the
16 Office of Planning agreed either meets or the
17 equivalent of residential recreation space which is
18 about--I think is about 8 or 9 percent as opposed to
19 the 15 percent under the C-3-A regulations.

20 COMMISSIONER PARSONS: Right. So, I'm
21 trying to understand this.

22 These sunrooms are enclosed balconies?

23 MR. DRAPER: Yes. If you can imagine--
24 what they do is they add flex space in the apartment
25 units. If you can imagine an open balcony that

1 would have--

2 COMMISSIONER PARSONS: Sure.

3 MR. DRAPER: -- sliding--sliding door and
4 glass perhaps on both sides of those and then you
5 can imagine taking that open balcony and enclosing
6 it with glass and carpeting it and sprinkling it and
7 putting electrical in it so that it becomes a
8 flexible space.

COMMISSIONER PARSONS:
9 Right.

10 MR. DRAPER: It's been a very good
11 marketing tool in the buildings that I've done
12 because it affords these small apartments another
13 opportunity--

14 COMMISSIONER PARSONS: Right.

15

16 MR. DRAPER: -- for guests to come and
17 have a sleep sofa in a space like that because you
18 can draw the drapes. It can become a small office,
19 a computer room, a nursery.

20 COMMISSIONER PARSONS: So, that's not an
21 option here. You're going to provide that?

22 MR. DRAPER: Well, it's provided in the
23 square footage of the building. So, it's all
24 calculated as part of the gross square footage.

25 COMMISSIONER PARSONS: All right. Thank

1 you. Now I got it. Thanks. That's all I have.

2 CHAIRPERSON MITTEN: The one thing that I
3 forgot to ask is. Are you going to give us material
4 samples?

5 MR. GLASGOW: We have material samples. We
6 can submit that for the record.

7 CHAIRPERSON MITTEN: Okay. And we're going
8 to need the snapshot. Okay, great. I always forget
9 to ask for that.

10 Thank you.

11 Did you have any questions of the Office
12 of Planning?

13 MR. GLASGOW: No questions.

14 CHAIRPERSON MITTEN: Okay. I would note
15 that we have attached to the Office of Planning
16 report, we have a report from the Department of
17 Transportation and we have a report from the Fire
18 Marshall. And we have a report from the Director of
19 the Department of Housing and Community Development,
20 all in support of the proposal.

21 I'll just ask one more time. Is there
22 anyone here representing ANC 5C? Okay. Then I
23 would note as Mrs. Schellin did for the record that
24 we do have the ANC resolution in the record and they
25 voted unanimously in support of the project.

1 And I'll ask for anyone who would like to
2 testify in support. Anybody who would like to come
3 and testify in support?

4 Okay. Anyone who would like to testify in
5 opposition? Okay.

6 Anything you'd like to--I'm sorry, we
7 can't have any votes this evening because we don't
8 have--they wouldn't be really worth anything.

9 MR. GLASGOW: I know I can't. I'm dying to
10 ask for a bench decision, but I know I can't.

11 COMMISSIONER PARSONS: There is no bench.

12 CHAIRPERSON MITTEN: Okay. Well, I don't
13 think we have anything else that we need in the
14 record, so we'll just have to--

15 ACTING SECRETARY SCHELLIN: There is just
16 the one item.

17 Do you still need clarification regarding
18 that item from the pre-hearing statement on the
19 green design features? You wanted them to clarify
20 that one.

21 CHAIRPERSON MITTEN: Actually, if you're
22 going to submit a proposed findings of fact and
23 conclusions, essentially if you can tie that down
24 anymore for us, that would be helpful.

25 MR. GLASGOW: All right. We'll submit that

1 in the draft order.

2 CHAIRPERSON MITTEN: Okay. And then we
3 just need time for the transcript to be prepared and
4 have one of our non-recused members read it and so
5 we can have at least three people voting. And then
6 we'll put it on the agenda for whatever meeting.

7 MR. GLASGOW: What we would probably want
8 to do is ask for an expedited transcript so that we
9 can get that to you all very promptly.

10 CHAIRPERSON MITTEN: I don't know how long
11 that takes, but okay.

12 ACTING SECRETARY SCHELLIN: I've been told
13 a couple of days by Mr. Shorer.

14 CHAIRPERSON MITTEN: Okay.

15 ACTING SECRETARY SCHELLIN: I don't think
16 it speeds up anything.

17 CHAIRPERSON MITTEN: It probably doesn't,

18 ACTING SECRETARY SCHELLIN: I mean, our
19 next meeting will be April 10th here.

20 CHAIRPERSON MITTEN: Right. Right.

21 MR. GLASGOW: This would be April 10th?

22 CHAIRPERSON MITTEN: Yes. I mean, is there
23 something? Do you have a pressing reason why we
24 should schedule a Special Public Meeting?

25 MR. GLASGOW: This would potentially tie

1 into a hearing that you already have schedule?

2 CHAIRPERSON MITTEN: We would do that.

3 MR. GLASGOW: The Applicant says that they
4 can wait until April 10th.

5 CHAIRPERSON MITTEN: Okay. Okay. Great.

6 Well, then I thank you all for coming out
7 this evening. I thank Mr. Hood for--

8 MR. GLASGOW: Thank you.

9 CHAIRPERSON MITTEN: -- joining us to let
10 us go forward with the hearing tonight. And we look
11 forward to your additional submissions.

12 And we're adjourned. Thank you.

13 MR. GLASGOW: Thank you.

14 (Whereupon, the above matter was concluded
15 at 7:10 p.m.)

16